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U.S.PTO

PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 41872-298797

First Inventor Bennett Clay Byrd et al.

Title Footwear With Display Element

Express Mail Label No. EV 367 775 765 US

U.S.PTO
19587
10/18/2004
58

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APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
- Applicant claims small entity status.
See 37 CFR 1.27.
- Specification [Total Pages 22]
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (*if filed*)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
- Oath or Declaration [Total Sheets]
 a. Newly executed (original or copy)
 b. Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 i. **DELETION OF INVENTOR(S)**
 Signed statement attached deleting inventor(s)
 named in the prior application, see 37 CFR
 1.63(d)(2) and 1.33(b).
- Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. 3.73(b) Statement Power of Attorney
(when there is an assignee)
11. English Translation Document (*if applicable*)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: IDS Transmittal

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP)
Prior application information: Examiner _____ of prior application No: _____ / _____
 Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

| | | | | | | |
|--|-------------------------|-----------|----------------|----------|--------------------|---|
| <input type="checkbox"/> Customer Number | | | | | | OR <input checked="" type="checkbox"/> Correspondence address below |
| Name | J. Michael Boggs | | | | | |
| Address | Kilpatrick Stockton LLP | | | | | |
| | 1001 West Fourth Street | | | | | |
| City | Winston-Salem | State | NC | Zip Code | 27101-2400 | |
| Country | USA | Telephone | (336) 747-7536 | | Fax (336) 734-2632 | |

| | | | |
|-------------------|---|-----------------------------------|-------------|
| Name (Print/Type) | J. Michael Boggs | Registration No. (Attorney/Agent) | 46,563 |
| Signature |  | | Date 4/8/04 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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16711 US.PTO
040804

EXPRESS MAIL CERTIFICATE

"Express Mail" Label No. : EV 367 775 765 US
Serial No. : Applied for Herewith
Filing Date : April 8, 2004
Applicant(s) : Bennett Clay Byrd et al.
Title : ***Footwear With Display Element***
Examiner : Unassigned
Group Art Unit : Unassigned
Type of Document(s) : Express Mail Certificate;
Utility Patent Application Transmittal;
Specification: 22 Pages;
Drawings: 6 Sheets (Figures 1-7);
Fee Transmittal Form (*in duplicate*);
Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i);
Information Disclosure Statement (*in duplicate*);
PTO/SB/08A (2 pages);
29 References;
Check No. 358541 for \$1,036.00 – Utility Application
Filing Fee for Large Entity (with 11 Extra Claims); and
Return Postcard

I hereby certify that the documents identified above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and are addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Debbie K. Cooke (signature)
Debbie K. Cooke

Date Mailed : April 8, 2004

WINLIB01 1067446v1
41872-298797

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1036)

Complete if Known

| | |
|----------------------|--------------------------|
| Application Number | Applied For Herewith |
| Filing Date | April 8, 2004 |
| First Named Inventor | Bennett Clay Byrd et al. |
| Examiner Name | Unassigned |
| Art Unit | Unassigned |
| Attorney Docket No. | 41872-298797 |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:Deposit Account Number Deposit Account Name

The Director is authorized to: (check all that apply)

-
- Charge fee(s) indicated below
-
- Credit any overpayments
-
-
- Charge any additional fee(s) during the pendency of this application
-
-
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------|--------------|-----------------|----------|
| Fee Code | Fee Code | (\\$) | (\\$) |
| 1001 | 2001 | .750 | 375 |
| 1002 | 2002 | 330 | 165 |
| 1003 | 2003 | 520 | 260 |
| 1004 | 2004 | 750 | 375 |
| 1005 | 2005 | 160 | 80 |
| SUBTOTAL (1) | | | (\$ 770) |

2. EXTRA CLAIM FEES

| Total Claims | -20 ** | = | Extra Claims | X | Fee from below | = | Fee Paid |
|--------------------|--------|-------|--------------|---|----------------|---|----------|
| Independent Claims | 30 | | 10 | X | 18 | = | 180 |
| Multiple Dependent | 4 | -3 ** | 1 | X | 86 | = | 86 |
| | | | | X | | = | 0 |

| Large Entity | Small Entity | Fee Description |
|--------------|--------------|--|
| Fee Code | Fee Code | (\\$) |
| 1202 | 2202 | 18 |
| 1201 | 2201 | 84 |
| 1203 | 2203 | 280 |
| 1204 | 2204 | 140 |
| 1205 | 2205 | 84 |
| | | ** Reissue independent claims over original patent |
| | | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) | | (\$ 266) |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|--|----------|
| Fee Code | Fee Code | (\\$) | (\\$) | | |
| 1051 | 2051 | 130 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 2052 | 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 1053 | 130 | 130 | Non-English specification | |
| 1812 | 1812 | 2,520 | 2,520 | For filing a request for reexamination | |
| 1804 | 1804 | 920* | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1805 | 1,840* | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 2251 | 110 | 55 | Extension for reply within first month | |
| 1252 | 2252 | 410 | 205 | Extension for reply within second month | |
| 1253 | 2253 | 930 | 465 | Extension for reply within third month | |
| 1254 | 2254 | 1,450 | 725 | Extension for reply within fourth month | |
| 1255 | 2255 | 1,970 | 985 | Extension for reply within fifth month | |
| 1401 | 2401 | 320 | 160 | Notice of Appeal | |
| 1402 | 2402 | 320 | 160 | Filing a brief in support of an appeal | |
| 1403 | 2403 | 280 | 140 | Request for oral hearing | |
| 1451 | 1451 | 1,510 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 2452 | 110 | 55 | Petition to revive – unavoidable | |
| 1453 | 2453 | 1,300 | 650 | Petition to revive – unintentional | |
| 1501 | 2501 | 1,300 | 650 | Utility issue fee (or reissue) | |
| 1502 | 2502 | 470 | 235 | Design issue fee | |
| 1503 | 2503 | 630 | 315 | Plant issue fee | |
| 1460 | 1460 | 130 | 130 | Petitions to the Commissioner | |
| 1807 | 1807 | 50 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 1806 | 1806 | 180 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 8021 | 40 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 2809 | 750 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 2810 | 750 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 2801 | 750 | 375 | Request for Continued Examination (RCE) | |
| 1802 | 1802 | 900 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 0)

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | J. Michael Boggs | Registration No. Attorney/Agent) | 46,563 | Telephone | (336) 747-7536 |
| Signature |  | | Date | 4/8/04 | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

| | | |
|----------------------|-------------------------------|--------------------------|
| First Named Inventor | | Bennett Clay Byrd et al. |
| Title | Footwear With Display Element | |
| Atty Docket Number | 41872-298797 | |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

4/8/04

Date

Signature

(336) 747-7536

Telephone number

J. Michael Boggs, # 46,563

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.